

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**WILLY MALONE, JEROME WATSON, ROBERT ABREU,
DESIREE WILSON, EVA LEE, OLIVIA WILSON,
SHERRE WILSON, ANGEL HERNANDEZ, NYTRICHA
SMITH and DANIEL PAULINO,**

Plaintiffs,

**Case Number:
07-CV-9583
(LTS) (GWG)**

-against-

**AFFIRMATION IN SUPPORT
OF MOTION TO
WITHDRAW AS COUNSEL**

**NEW YORK PRESSMEN'S UNION NUMBER 2
and NEWS CORP a.k.a. NYP HOLDINGS d/b/a
THE NEW YORK POST,**

Defendants.

JENNIFER L. DEVENUTI, ESQ., an attorney duly admitted to practice law in the State of New York, affirms the following under the penalty of perjury:

1. I am an Associate in the law firm of Frank & Associates, P.C. (hereinafter "Frank & Associates"), counsel for Eva Lee (hereinafter "Plaintiff") in the above-captioned case. The facts set forth herein are based upon my personal knowledge and upon the files maintained in this office.
2. I make this affirmation in support of the motion of Frank & Associates to withdraw as counsel of record for Plaintiff Eva Lee, pursuant to Local Civil Rule 1.4.
3. This motion is based on Plaintiff's refusal to withdraw her claims against the above-captioned Defendants after this firm advised her it was necessary and proper to do so as her claims in this matter are barred by the doctrine of *res judicata*.
4. The present procedural posture of this case is as follows:
 - (a) Defendant Local 2 filed and served a Rule 12(b)(6) Motion to Dismiss as to all Plaintiffs, and such Motion has been fully briefed by the parties, and is before this Court for review and decision.

(b) Plaintiff filed and served a Rule 15 Motion for Leave to Amend the Complaint as to all parties. Plaintiffs' Reply Memorandum in Support of Plaintiffs' Motion for Leave to Amend is due on or before April 25, 2008. At that point, such motion will also be fully briefed and before this Court for review and decision.

(c) Defendant NYP Holdings will file and serve an Answer, or otherwise respond to the Complaint within thirty (30) days after the Court's decision on the Motion to Amend.

5. It has become clear this firm and Plaintiff have substantial and irreconcilable disagreements regarding the merits of and proper course to pursue in the prosecution of this action.
6. The continued representation of Plaintiff by Frank and Associates would not be in the best interest of Plaintiff.
7. Plaintiff has been advised Frank & Associates will ask the Court to withdraw as counsel of record for Plaintiff and has been served with a copy of this motion.

Dated: Farmingdale, New York
April 22, 2008

/s Jennifer L. DeVenuti
Jennifer L. DeVenuti, Esq. (JD-5778)